

April 23, 2003

William J. Bartels  
Management Analyst  
State Court Administrative Office  
Lansing, MI 48909

Re: Public comments regarding proposed change in the  
Child Support Manual

Dear Mr. Bartels:

In general, the proposed changes are, in my view, attempts at gaining small amounts of equity at the cost of huge amounts of Friend of the Court and court resources. The most onerous provisions are ADM 2003-22-3 Shared Economic-Retroactive Application Clarification and ADM 2003-22-10 Proposed Changes in Child Support Manual (Shared Economic – Threshold and Cubing) (3.05 and 3.06 of the proposed manual). Basing the shared economic formula on the low threshold of 52 overnights will mandate practically all cases be calculated via shared economic responsibility. This will generate motions for courts in almost every active Friend of the Court case and cause a tremendous burden on the courts and on Friend of the Court offices. Clients will become frustrated due to nonaccess based on long waiting lists to get motions heard. 3.06 only exacerbates the problem, allowing for retroactive modification if the target amount differs from the exercised amount by over 21 overnights. Parties will continually haggle over this threshold, causing courts to litigate whether the actual unexercised number of overnights was 22 overnights or whatever.

Concomitantly, account adjustments could cause huge credit balances allowing for children to go weeks or even months without support. Alternatively, the local Friend of the Court office will be accused of wrongly intercepting tax refunds and/or using Draconian methods to collect arrearages caused by “overnight” adjustments.

In summary, I have practiced law for about twenty-four (24) years, the last ten of which I have been as a Friend of the Court/Circuit Court Referee. 3.05 and 3.06 are the two single most odious proposals I have experienced the State Court Administrative Office to consider during my tenure.

Along a similar vein, proposed Change in Medical Support Charges (ADM-2003-22-9) just makes for more things to argue over. In my view, this proposed change is much too complicated for clients and even lawyers to fully understand. Child support issues are better when they are simple and easily understood. Attempts at “perfecting” equity may sound good in theory, but are a disaster in practice.

Sincerely yours,

Bruce E. Basom,  
Montcalm County Friend of the Court